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# Editing and Libel

## Time's Methods in Sharon Case Spur Debate About Journalism Standards

By ALEX S. JONES

Long after the issue of libel has been decided in Ariel Sharon's \$50 million suit against Time Inc., journalists are likely to be debating questions raised in the case regarding Time magazine's standards of reporting and its complex editorial process.

The journalistic issues have been sharpened by the announcement yesterday that, contrary to what had been reported in

Time, a secret appendix to an Israeli commission report apparently did not contain some information damaging to Mr. Sharon, according to the Israeli jurist who headed the commission.

Unlike newspapers, news magazines, including Newsweek and U.S. News & World Report, routinely separate reporting from writing. Doubts are being expressed about this editorial process — in which an article passes through so many hands that questionable reporting may not be seriously challenged because everyone assumes someone else is doing so.

Time had largely based its published statements about the secret appendix's contents on confirmation by David Halevy, an Israeli correspondent for Time. Mr. Halevy has testified that no one actually told him that the damaging information was in the appendix. He decided it was, he testified, based on "my evaluation, my analysis."

Even before yesterday's announcement, journalists had questioned Time's judgment in relying on such reporting to publish information that seemed to link Mr. Sharon with the Phalangist massacre of Palestinian civilians in Beirut refugee camps.

The magazine's top editors have aggressively defended the disputed article and Mr. Halevy's reporting. But questions continue to be raised regarding Time's standard for accuracy and the degree of trust it places in its reporters, issues that concern all journalists.

Some journalists remain unsure whether Time's stance regarding Mr. Halevy's reporting and the article's publication is a true reflection of the magazine's standards or a legal tactic in the context of a multimillion-dollar libel trial. Time's editors will not discuss the case directly because the trial is still under way.

To prove libel, Mr. Sharon must demonstrate malice as well as error, because the courts have ruled that news organizations should be allowed to make honest mistakes in their cover-

age of issues of broad public interest. But the journalistic issues are unlikely to be resolved by the libel verdict.

For journalists, the Sharon trial highlights the balance that all editors must strike between trusting their reporters and yet remaining critical of the information that the reporters produce. Complicating the process are competitive pressures among news organizations to offer exclusive information, the difficulty of finding independent confirmation of information gathered by reporters in remote locations and the common use of confidential sources for information that cannot otherwise be confirmed.

Mr. Sharon's attorneys have denounced Mr. Halevy's reporting as speculation and have sought to portray him as politically motivated. They have pointed out that Time placed him on one year's probation after he provided erroneous information from confidential sources that led to the semi-retraction of another article in 1979.

The plaintiff's lawyers have noted that Time's editors did not closely

question Mr. Halevy's information on Mr. Sharon, though much of the information came from confidential sources.

Time's top editors have testified that Mr. Halevy is an extremely reliable and well-connected reporter whose information often comes from the highest level of Israeli military and intelligence circles, where sources often require confidentiality. For instance, Mr. Halevy provided information from confidential sources in 1973 that gave Time early warning that Egypt and Syria were about to attack Israel.

Time's editors say that providing evaluation and analysis is a key part of a reporter's job and often a vital part of the magazine's articles.

The trial has focused on meetings between Mr. Sharon and the family of Bashir Gemayel and other Phalangists on the day after the assassination of Bashir Gemayel, the President-elect of Lebanon, in September 1982. In the following days, Phalangists massacred Palestinian civilians in refugee camps in Beirut.

The contested information began with an item that Mr. Halevy wrote for Time's "worldwide memorandum," a confidential document that goes to Time editors each week. The item stated that Phalangist leaders had got the "feeling" from Mr. Sharon that he understood their desire for revenge and would not obstruct them in seeking it.

Mr. Halevy has testified that the information was based on conversations with four confidential sources, one of whom had read him minutes of the meetings over the telephone. Mr. Halevy asserted that the sources had said Mr. Sharon did not speak of revenge, but that the Phalangists had got their "feeling" from Mr. Sharon's silence and body language in response to the Phalangists' talk of revenge.

### Confirmation Requested

Mr. Halevy wrote the item in December 1982. But the information was not used in the magazine until February 1983, when it appeared in the disputed article dealing with the report of an Israeli commission on the role that Israelis might have played in the massacre.

The report contained a secret appendix, called Appendix B, and Mr. Halevy told Harry Kelly, Time's Jerusalem bureau chief, that he thought the secret appendix contained the information that Mr. Halevy had used in the worldwide memo. Mr. Kelly asked Mr. Halevy to get confirmation.

Mr. Halevy has said that in seeking confirmation, he got in touch with a confidential source who would not say precisely what the appendix contained but who described it as "a reference book" with the names of witnesses before the commission and the minutes or notes they provided.

Mr. Halevy testified that he then went back to the public portion of the commission's report and, after reading it carefully, concluded that the findings were too harsh to have been based only on the publicly released portion of the findings. Thus, he concluded, the secret portion must include more damaging information.

He said he had been told by a confidential source that the key to the commission's findings regarding Mr. Sharon could be traced to the meetings with the Gemayels.

Based essentially on these factors and on sections of the public portion of the report, Mr. Halevy indicated with a thumbs-up sign to Mr. Kelly that he had confirmed that the secret appendix contained information supporting the worldwide memo item he had written in December. Mr. Kelly then sent the confirmation as part of his report to Time's headquarters in New York.

There, in offices on long, quiet corridors high in the Time Inc. building in mid-Manhattan, articles for the magazine are crafted by writers who work in tandem with researchers, whose responsibility is to check facts with independent sources and spot gaps of information. Writers and researchers may incorporate multiple "files," or reports, from several correspondents in preparing an article. They also have access to other data gathered from Time's library and other sources.

Each article is edited at least twice. First a "senior edit" is given by an editor of the section of the magazine where the article will appear and then a "top edit" is given by the managing editor or one of his assistants.

### Reliance on Halevy Memo

Writers, researchers and editors may all question information in reporters' files and ask for clarification. Researchers typically compile a list of "checkpoints" — or questions regarding the file — that reporters must address.

But when the reporter is filing from abroad and when the source of information is confidential, the reporter's file is generally considered to be confirmation. In confirming Mr. Halevy's information, the researcher depended on the files Mr. Halevy had sent. There was no further questioning.

In writing articles, Time writers often change the language in reporters' files. But to avoid errors of fact or tone, reporters are sent drafts of the articles electronically and must respond to New York with either corrections or approval.

William E. Smith, the writer assigned to the article, testified that he had used Mr. Halevy's memo, the confirmation by Mr. Halevy in Mr. Kelly's file and the public portion of the Israeli commission report to write the portion of the article that prompted Mr. Sharon's suit.

Mr. Smith wrote of the secret appendix in the commission report, "Time has learned that it also contains further details about Sharon's visit to the Ge-

mayel family on the day after Bashir Gemayel's assassination."

The article also said that Mr. Sharon had "reportedly discussed with the Gemayels the need for the Phalangists to take revenge for the assassination of Bashir, but the details of the conversation are not known."

### Expansion of Information

Mr. Halevy's reporting had not referred to discussions, but only to "feelings" regarding revenge, and Mr. Kelly's file had said only that "we understand" the material was in the secret appendix. But the two men did not suggest any changes when they reviewed the article before publication.

A news release circulated by the Time public relations staff seemed to go even further. The headline of the release asserted, "Sharon Said to Have Urged Lebanese to Send Phalangists Into Camps."

Some news organizations in Israel misinterpreted the headline to mean that Time had said Mr. Sharon urged the Phalangists to commit a massacre in the camps. As a result, articles appeared throughout Israel attributing the accusation to Time.

Shortly after the article appeared, a member of the Israeli parliament who had read the secret appendix told Mr. Kelly that Time was wrong about the contents, the member testified later. But Mr. Kelly did not pass the denial to the editors in New York.

In an interview, Ray Cave, Time's managing editor, discussed in general terms the relationship between reporters and editors at Time, although he declined to address the specifics of the trial.

"If you don't have faith in your people in the field, you are lost," Mr. Cave said. "If that faith is blind faith, then it is not faith at all, just maladministration."

According to Mr. Cave, a fundamental role of Time reporters is gathering information from sources who are in key positions, and such sources frequently are not willing to be identified. Time editors would not automatically question information from unnamed sources or analysis from reporters, he said, but would do so if the material "doesn't feel right."